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In re Application of  
NAKAMURA, Masahi et al.  
Application No.: 09/889,459  
PCT No.: PCT/JP00/08113

Int. Filing Date: 17 November 2000

Priority Date: 17 November 1999

Attorney Docket No.: 450106-02850

For: DIGITAL SIGNAL PROCESSING  
APPARATUS, SYSTEM THEREOF, AND  
EXTENSION FUNCTION PROVIDING  
METHOD

DECISION ON

PETITION

UNDER 37 CFR 1.181

This decision is in response to "Petition to Withdraw Notification of Missing Requirements," filed on 22 October 2001, in effect asking that the Office vacate the Notification of Missing Requirements. No petition fee is due.

### BACKGROUND

On 17 November 2000, applicants filed international application PCT/JP00/08113. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 25 May 2001. The deadline for entry into the national stage in the United States was twenty months from the priority date, or 17 July 2001.

On 16 July 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and an English translation.

On 28 August 2001, the USPTO mailed a NOTICE OF DEFECTIVE TRANSLATION (Form PCT/DO/EO/913) noting that the number of claims in the translation did not match the number of claims in the international application and a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that the translation filed with the application was defective and that the processing fee for late filing of the translation was due.

On 22 October 2001, applicants filed "Petition to Withdraw Notification of Missing Requirements," accompanied by, *inter alia*, a copy of the postcard receipt from the 16 July 2001 filing and a copy of the English translation from which page 32 was omitted.

On 15 January 2002, applicants filed, *inter alia*, an additional copy of the English translation with 32 pages of specification and 12 claims.

DISCUSSION

MPEP at section 503 states, in part:

A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.

The postcard receipt lists, *inter alia*, "Application for Patent, including 32 pages Specification 12 Claims." The postcard receipt is date stamped and marked with the application serial number. The postcard receipt is not annotated to indicate that any of the items were not received.

The postcard receipt is adequate evidence that a patent application with 32 pages of specification and 12 Claims was received. The translation filed on 15 January 2002 includes 32 pages of specification and 12 claims. It meets the postcard description and is accepted as a true copy of what was filed on 16 July 2001.

CONCLUSION

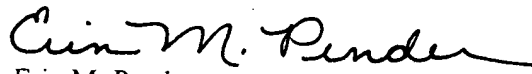
For the reasons set forth above, the petition under 37 CFR 1.181 is GRANTED.

The NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) and NOTICE OF DEFECTIVE TRANSLATION (Form PCT/DO/EO/913) mailed 27 August 2001 are VACATED.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Acceptance (Form PCT/DO/EO/903) and filing receipt. The 35 U.S.C. §371(c) date is 16 July 2001.



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